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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,780	02/09/2004	Gregory D. Aviza	00216-674001 / Case 8144	8854
27752 7590 12/03/2007 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER PETERSON, KENNETH E	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 12/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/774,780

Applicant(s)

AVIZA, GREGORY D.

Examiner

Kenneth E. Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22,28,38,39,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22,28,38,39,43,44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Francis (4,516,321), who shows all the recited steps as follows;

Providing a housing with a rectangular recess (dotted lines, figure 7),

Providing blades (14),

Providing 1<sup>st</sup> and 2<sup>nd</sup> plastic blocks (19) having slots (dotted lines, figure 15),

Securing the blades in the slots by molding (line 34, column 2),

Inserting the subassembly into the recess from above (intrinsic, no choices here).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 28, 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,516,321), who shows most of the recited steps, as set forth above.

Several of the claims require that nothing project past an "outer surface" of the plastic block. Francis, in figure 15, has a guard (16) and a cap (17) with ends that

project past the end of the block (rightmost surface of 19A). However, Francis himself teaches that these parts are not required to be on the blade subassembly, as seen in figure 8. The guard and cap can be on the razor itself, as seen in figures 7 and 12. It would have been obvious to one of ordinary skill in the art to have removed the cap and guard elements from Francis's figure 15 blade assembly, since Francis himself suggests this option.

After the removal of elements 16 and 17, nothing projects past the rightside surface of 19A.

5. Claims 22,28,38,39,43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis (4,516,321) in view of Santhagans Van Eibergen et al (6,671,961).

Francis shows a method of making a razor with most of the recited steps as set forth above. In regards to at least claims 39 and 44, Francis's cap lacks a lubricating strip, but this is ubiquitous in the art as seen in Santhagans Van Eibergen (23, lines 18-21, column 6). It would have been obvious to one of ordinary skill in the art to have provided a lubricating strip for Francis, as taught by Santhagans Van Eibergen, in order to provide a more pleasant shaving experience.

In regards to all of the claims, Francis's plastic blocks (19) are molded onto the blades, as opposed to having sequential steps of slot forming then blade insertion. Examiner notes that Applicant has not claimed this exactly, but even if he did, it would still be obvious because Santhagans Van Eibergen teaches a method of forming slots

(as seen in cover figure) and then fastening the blades therein. It would have been obvious to one of ordinary skill in the art to have modified Francis by making the slots first, then attaching the blades, as taught by Santhagans Van Eibergen, since this is an art recognized equivalent known for the same purpose.

6. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that his slots are sized to provide freedom of motion for the blades, but Applicant has not claimed this feature. Furthermore, Francis's slots also allow for freedom of motion for the blades (lines 55-62, column 2).

The fact that Applicants slot forming and blade insertion are performed *sequentially* whereas Francis's are performed simultaneously is also a feature that is currently not claimed. Examiner notes that the listing of steps in a method claims does not inherently infer any chronological order.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kp

  
**KENNETH E. PETERSON**  
**PRIMARY EXAMINER**